UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,373	09/18/2001	Andrew J. Powell	25044.72211-002	8347

24335 7590 01/18/2005

WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER
111 LYON STREET, N.W.
GRAND RAPIDS, MI 49503-2487

EXAMINER	
GREENE, DANIEL L	
ART UNIT	**PAPER NUMBER**
3621	

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/955,373	POWELL, ANDREW J.	
	Examiner	Art Unit	
	Daniel L. Greene	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *30-54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *30-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/1/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant has cancelled the original claims 1-29 and submitted new claims 30-54. Applicant's arguments, see Remarks, filed 11/1/2004, with respect to the rejection(s)of claim(s) 30-54 under Zellweger U.S. Patent 6,397,222 and Pavolv U.S. Patent 6,725,426 have been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made in view of Davis et al. U.S. Patent 5,937,160 necessitated by the new limitation introduced in the new claims i.e. receiving an email and parsing the email text to create a variable.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 30-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. U.S. Patent 5,937,160 [Davis].

3.

As per claims 30 and 38:

Davis discloses:

receiving an email; Col. 8, lines 50-67.

Davis discloses the claimed invention except for the terminology of parsing the email text to create a variable list. A reference is to be considered not only for what it expressly states, but also for what it would reasonably have suggested to one of ordinary skill in the art. *In re DeLisle, 160 USPQ 806 (CCPA 1969)*

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to parsing the email text to create a variable list since it is known in the art that as taught by Davis, Col. 14, lines 65-67 and Col. 15, lines 1-45, proprietary tags serve the same purpose as parsing the text to provide the computer with the language necessary to make the changes to the Web page.

Davis discloses the claimed invention except for actually detailing out creating a programming code segment from the variable list; and incorporating the programming code segment into the programming code.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to creating a programming code segment from the variable list; and incorporating the programming code segment into the programming code since it is known in the art that as taught by Davis in Col. 14, lines 65-67 and Col. 15, lines 1-40, the proprietary tags provide the computer language to make the program modifications which is the same as creating a programming code segment from the variable list; and incorporating the programming code segment into the programming code.

As per claims 31 and 39:

Davis further discloses:

parsing the subject line to determine a first page web page to be changed. Col. 16, lines 1-30.

As per claims 32 and 40:

Davis further discloses:

where the step of incorporating the programming code segment into the programming code comprises incorporating the programming segment into the first web page. Col. 16, lines 35-67.

As per claim 33:

Davis further discloses:

determining whether the sender of the email is authorized to change the web site. Col. 3, lines 25-50.

As per claim 34:

Davis further discloses:

where the email has a sender address and the step of determining whether the sender of the email is authorized to change the web site comprises: comparing the sender address with a first database to determine a sender access based upon the

sender access level, determining if the sender is authorized to change the first web page. Col. 3, lines 25-50.

As per claim 35:

Davis further discloses:

Davis discloses the claimed invention except for specifically teaching about obtaining a sender IP address, and comparing the sender IP address to a range of IP addresses.. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to obtaining a sender IP address, and comparing the sender IP address to a range of IP addresses. since it is known in the art that obtaining a sender IP address, and comparing the sender IP address to a range of IP addresses is just another form of authenticating the sender as taught by Davis for authenticating the sender. . Col. 1, lines 25-35. Col. 3, lines 25-50.

As per claims 36 and 45:

Davis further discloses:

sending a confirmation email to a web site administrator. Col. 13, lines 50-67, Col. 14, lines 1-60.

As per claim 37:

Davis further discloses:

if the sender IP address was not within the range of IP addresses, then: creating an error notification, and sending the error notification to the sender address. Col. 11, lines 55-67.

As per claim 41:

Davis discloses the claimed invention except for if the attempt was unsuccessful, sending an email to the email sender indicating that the attempt was unsuccessful. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to if the attempt was unsuccessful, sending an email to the email sender indicating that the attempt was unsuccessful, since it is known in the art that if a program change was unsuccessful, sending an email to the email sender indicating that the program change was unsuccessful. Davis also teaches about the notification of the sender if an action does not render the anticipated outcome. Col. 11, lines 55-67.

As per claim 42:

Davis discloses the use of proprietary tags, which the Examiner submits is the same as parsing the email to determine the number of changes to the web site. Col. 15, lines 1-44.

As per claim 43:

Davis further discloses:

parsing the email to determine a first portion of the web page to be changed; applying the first change item to the first portion. Col. 16, lines 35-67.

As per claim 44:

Davis further discloses the authentication operation that utilizes a configuration file that provides the information on whether or not the sender is authorized to make the revisions, and if so, makes the changes. Col. 3, lines 25-50. This is the equivalent of:

parsing the email to determine an email sender address;

comparing the email sender address to a security verification database;

retrieving from the security verification database an access level of the email sender; and

applying the first change item to the first portion if the access level is acceptable.

As per claims 46-50, Davis discloses the claimed invention except for designating his proprietary tags, Col 15, lines 1-45. as program codes. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to know that proprietary tags serve the same function as program codes since it is known in the art that the function of Davis's proprietary tags serve the same purpose as program codes. PTO's guide lines for examining claimed language require: the examiner must make a determination, whether the claimed invention " as a whole"

would have been obvious at the time of the invention to one of ordinary skill in the art. See MPEP 2142. In these pending claims, the examiner submits that the particular language does not serve as a limitation on the claim (i.e., "program code") because replacing "program code" with the Davis term "proprietary tag" serves and accomplishes the same outcome.

The Applicant presents the progression of the use of program codes as first, second, third, etc.. Davis discloses the claimed invention except for the progression of codes for making more than one change to the program. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a progression of changes to a program listed out in sequential order, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.*

As per claim 46:

Davis discloses:

a first program code unit for receiving an email from a sender; Col. 8, lines 50-67.

Davis discloses the claimed invention except for the terminology of a second program code unit for parsing the email to determine of a web page change is required. A reference is to be considered not only for what it expressly states, but also for what it would reasonably have suggested to one of ordinary skill in the art. *In re DeLisle, 160 USPQ 806 (CCPA 1969)*

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a second program code unit for parsing the email to determine if a web page change is requested since it is known in the art that as taught by Davis, Col. 14, lines 65-67 and Col. 15, lines 1-45, proprietary tags serve the same purpose as parsing the text to provide the computer with the language necessary to make the changes to the Web page.

Davis discloses the claimed invention except for actually detailing out a third program code unit for attempting to parse the email into a first change item containing a first change to be applied to a web page; and a fourth program code unit for, if the attempt was successful, applying the first change item to the web page.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to creating a third program code unit for attempting to parse the email into a first change item containing a first change to be applied to a web page; and a fourth program code unit for, if the attempt was successful, applying the first change item to the web page since it is known in the art that as taught by Davis in Col. 14, lines 65-67 and Col. 15, lines 1-40, the proprietary tags provide the computer language to make the program modifications which is the same as creating a third program code unit for attempting to parse the email into a first change item containing a first change to be applied to a web page, and a fourth program code unit for, if the attempt was successful, applying the first change item to the web page.

As per claim 47:

Davis further discloses:

a fifth program code unit for parsing the email to determine a web page variable, the web page variable identifying the web page to be modified. Col. 16, lines 1-30.

As per claim 48:

Davis further discloses:

a sixth program code unit for parsing the email to determine the number of changes to the web site. Col. 15, lines 1-44.

As per claim 49:

Davis further discloses:

a seventh program code unit for determining a first portion of the web page to be changed; Col. 15, lines 1-44, and

an eighth program code unit for applying the first change item to the first portion. Col. 16, lines 35-67.

As per claim 50:

Davis further discloses:

a ninth program code unit for determining a user identifier, comparing the user identifier with a security verification database and retrieving from the security verification database an access level for the user; Col. 3, lines 25-50.

and a tenth program code unit for applying the first change item to the first portion if the access level is acceptable. Col. 16, lines 35-67.

As per claims 51-54, Davis discloses the claimed invention except for designating his proprietary tags, Col 15, lines 1-45. as program codes. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to know that proprietary tags serve the same function as program codes since it is known in the art that the function of Davis's proprietary tags serve the same purpose as program codes. PTO's guide lines for examining claimed language require: the examiner must make a determination, whether the claimed invention " as a whole" would have been obvious at the time of the invention to one of ordinary skill in the art. See MPEP 2142. In these pending claims, the examiner submits that the particular language does not serve as a limitation on the claim (i.e., "program code") because replacing "program code" with the Davis term "proprietary tag" serves and accomplishes the same outcome.

The Applicant presents the progression of the use of program codes as first, second, third, etc.. Davis discloses the claimed invention except for the progression of codes for making more than one change to the program. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a progression of changes to a program listed out in sequential order, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.*

As per claim 51:

Davis further discloses:

a first code unit having a first code to be used to change a web site; Col. 16, lines 1-30, and

a second code unit identifying the Internet address of a computer capable of modifying a web site. Col. 3, lines 25-50.

As per claim 52:

Davis further discloses:

a third code unit identifying the web site. Col. 3, lines 25-50. and

a fourth code unit identifying the user. Col. 3, lines 25-50.

As per claim 53:

Davis further discloses:

a first indicator identifying the start of the first code unit. Col. 16, lines 1-30.

As per claim 54:

Davis further discloses:

a **fifth program** code unit having a code to be used to change the web site. Col. 16, EXAMPLE 2.

and a second indicator identifying the start of the **fifth** code unit. Col. 16, EXAMPLE 2.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

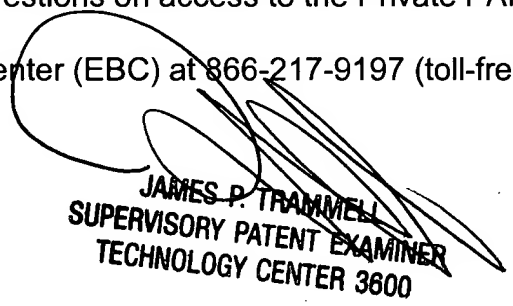
4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel L. Greene
Examiner
Art Unit 3621

1/12/2005